

IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
 ZONING VARIANCE *
 N/S Holly Neck Road, 630 ft. +/- * ZONING COMMISSIONER
 from c/l Goff Road *
 2106 Holly Neck Road * OF BALTIMORE COUNTY
 15th Election District *
 5th Councilmanic District * Case No. 95-289-A
 Richard C. Schmidt *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Richard C. Schmidt for that property known as 2106 Holly Neck Road in the Essex area of Baltimore County. The Petitioner herein seeks a variance from Sections 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 16 ft. for an open projection (deck), in lieu of the required 37.5 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

ORDER RECEIVED FOR FILING
 Date 3/17/95
 By M. Harrah

MICROFILMED

upon the Petitioner.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of March, 1995 that the Petition for a Zoning Variance from Section 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 16 ft. for an open projection (deck), in lieu of the required 37.5 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comment dated March 9, 1995, attached hereto and made a part thereof.

3. The Petitioner shall comply with the comment submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Developers

DATE 3/17/95
BY Mr. Hawk

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 16, 1995

Mr. Richard C. Schmidt
2106 Holly Neck Road
Essex, Maryland 21221

RE: Petition for Administrative Variance
Case No. 95-289-A
Property: 2106 Holly Neck Road

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

MICROFILMED



95-289-A

ZONING DESCRIPTION FOR 2106 Holly Neck Road, Essex, MD 21221

Election District 15

Councilmanic District 5

As recorded in Deed Liber 8948, Folio 516

Beginning at a point and running S 78 -03' W 155.00 ft, then S 14 -19' W 199.00 ft, then S 78 -03' W 25.00 ft, then N 14 -19' W 199.00 ft, then N 15 -29' W 228.20 ft, then S 80 -27' E 113.80 ft, then S 75 -15' E 38.70 ft, then N 64 -30' E 47.50 ft, then S 14 -19'E 180.00 ft to the place of beginning.

#287

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-289-A

District: 15th Date of Posting: 2/24/95

Posted for: various

Petitioner: Richard Schmidt

Location of property: 7106 Holly Neck Rd, N/S

Location of Signs: Facing roadway on property, being zoned

Remarks: _____

Posted by: *M. Kelly* Date of return: 3/3/95
Signature

Number of Signs: 1





Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 95-289-A

Account: R-001-6150

Number # 287

Date 2-17-95

Taken by: JRF

SCHMIDT -- 2106 HOLLY NECK RD.

010 -- Variance --- \$50.00

080 -- Sign --- \$35.00

\$85.00

CRITICAL
 AREA

RECEIVED

03A0380027MICR0
 BA 000241FM02-07-95

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 287

Petitioner: RICHARD C SCHMIDT

Location: 2106 HOLLY NECK RD ESSEX MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD C SCHMIDT

ADDRESS: 2106 HOLLY NECK RD ESSEX, MD 21221

PHONE NUMBER: 682-3815

AJ:ggs

(Revised 04/09/93)

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 23, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-289-A (Item 287)
2106 Holly Neck Road
N/S Holly Neck Road, 630'+/- from c/l Goff Road
15th Election District - 5th Councilmanic
Legal Owner(s): Richard C. Schmidt

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 26, 1995. The closing date (March 13, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Richard C. Schmidt

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 8, 1995

Mr. Richard Schmidt
2106 Holly Neck Road
Essex, Maryland 21221

RE: Item No.: 287
Case No.: 95-289-A
Petitioner: Richard Schmidt

Dear Mr. Schmidt:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 3, 1995
Zoning Administration and Development Management

FROM: *Sub* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 6, 1995
Item No. 287

The Developers Engineering Section has reviewed the subject zoning item. Show the limits of the 100-year flood area on your plat. See the "Flood Insurance Rate Map," Panel Number 445 for the limits.

Per Section 26-276 of the Development Regulations, no construction in or alteration of any flood plain may be permitted.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

3-6-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * 207 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

MICROFILMED

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 27, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning 

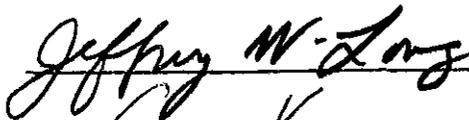
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 280, 281, 287, and 288

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/27/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 27, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

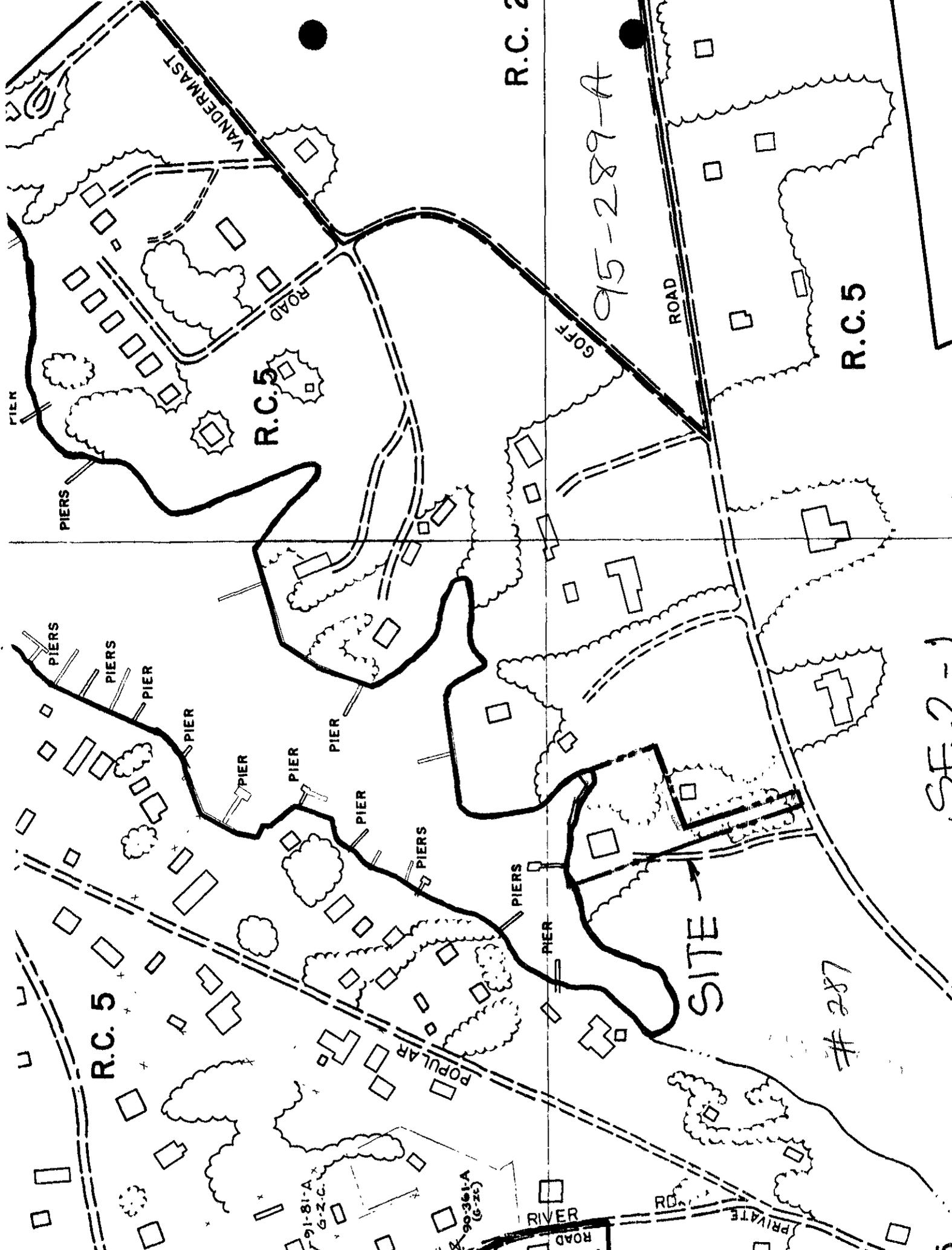
B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 284, 286, 287 AND 289.

RECEIVED
MAR 1 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





R.C. 2

95-289-A

R.C. 5

R.C. 5

R.C. 5

SE 2-J

287

SITE

VANDERMAST ROAD

ROAD

GOLF ROAD

ROAD

POPULAR

RIVER ROAD

PRIVATE ROAD

91-81-A
6-2-C

90-351-A
(6-2C)

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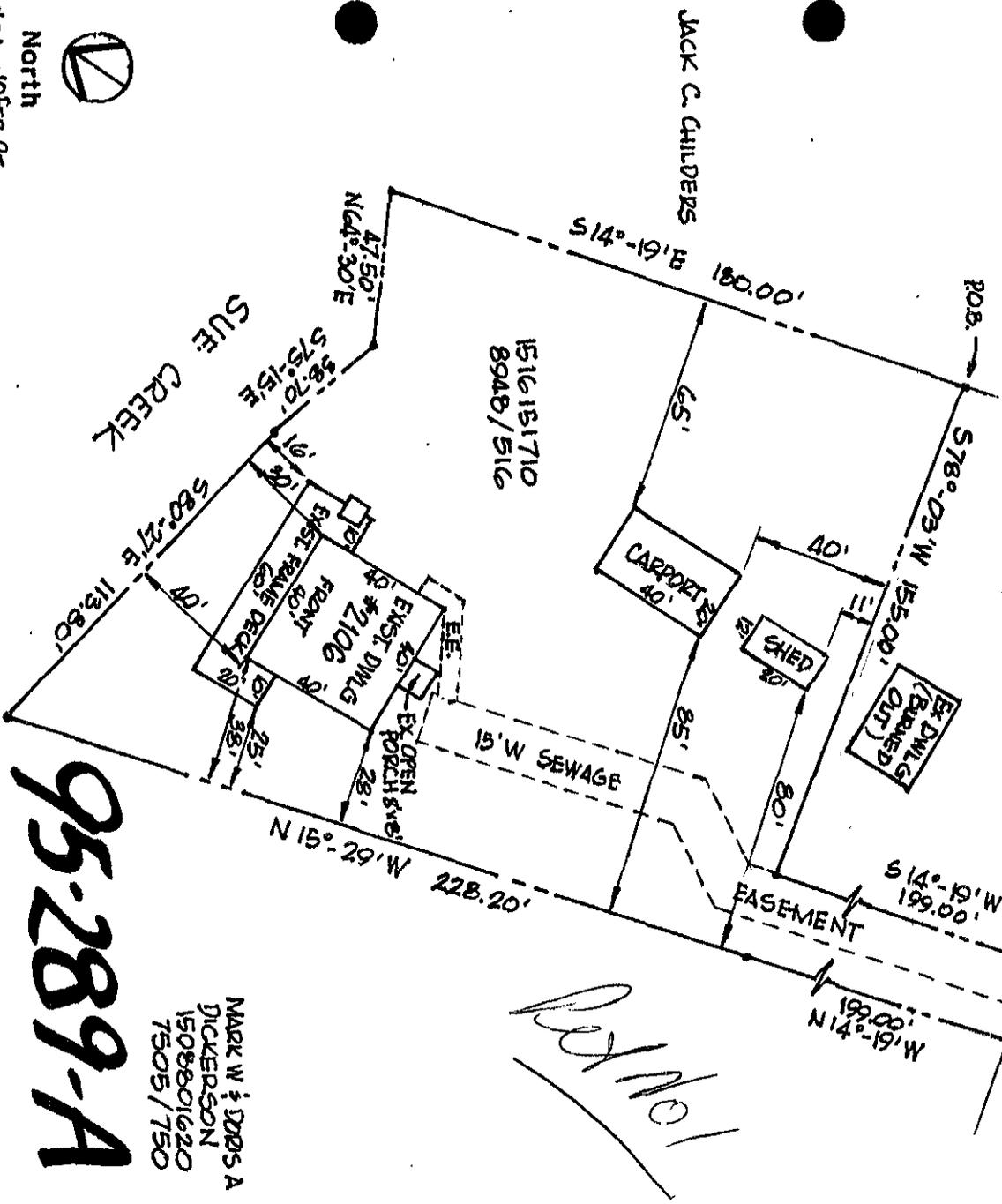
PIER

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 2106 HOLLY NECK ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: N/A
 plat book# _____, folio# _____, section# _____

OWNER: RICHARD C. SCHMIDT
 MARK W & DORIS A. DICKERSON



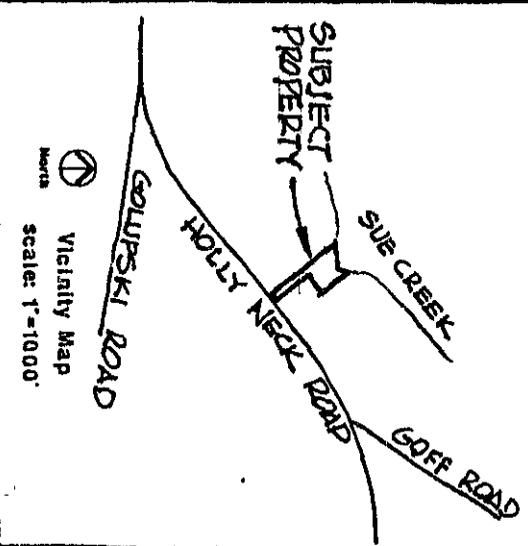
Richard Schmidt

MARK W & DORIS A
 DICKERSON
 1508801620
 7505/750

95-289-A

North
 date: 07/23/05
 prepared by: R.C. SCHMIDT
 Scale of Drawing: 1" = 50'

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Election District: **15**
 Councilmanic District: **5**

1"=200' scale map#: **SE-2-J**
 Zoning: **RC5**
 Lot size: **1 (-)** **40,000 ±**
 acreage square feet

Public Utilities:
 SEWER: Public Private
 WATER: Yes No
 Chesapeake Bay Critical Area: Yes No
 Prior Zoning Hearings: **NONE**

Zoning Office USE ONLY!

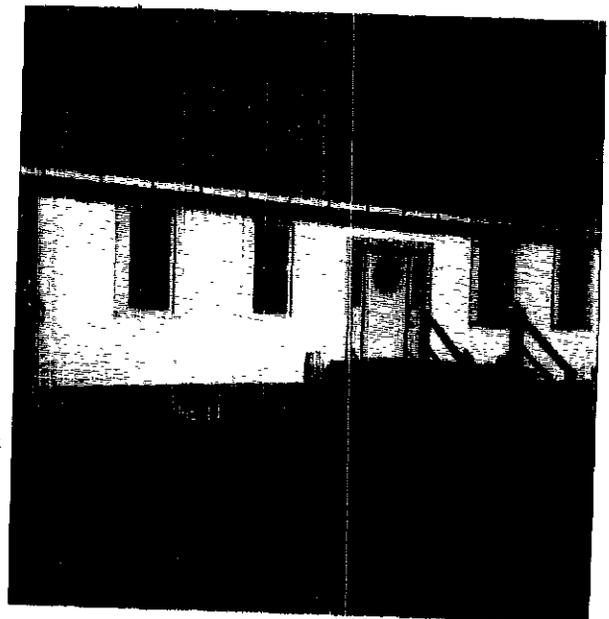
reviewed by: *RS* ITEM #: _____ CASE#: _____
287

PETITIONER(S) EXHIBIT ()



↑
(NORTH SIDE (FRONT) OF HOUSE
SHOWING DECK AS VIEWED FROM
MY PIER

LOOKING NORTH FROM MY PIER
ACROSS SUE CREEK

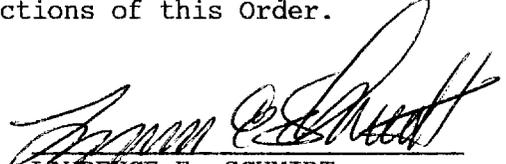


FIRST FLOOR ENTRANCE PORCH
SOUTH SIDE →

MICROFILMED #287

Engineering Section, dated March 3, 1995 which are adopted in their entirety and made a part of this Order.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

ORDER PREPARED FOR FILING

DATE 3/12/95
BY Mr. Noah

CRITICAL AREA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

95-289-A

for the property located at 2106 HOLLY NECK RD ESSEX, MD 21221
which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 and 301.1A

To allow a front yard setback of 16 feet (for an open projection deck) in lieu of the required 37.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or PRACTICAL DIFFICULTY. I have replaced a deteriorated frame deck on the front and side of my residence with a larger frame deck on the front and side of my residence. The house, built in the 1940's is 30' from the closest property line. The deck, built in 1991, is 16' from the closest property line and the shoreline of Sue Creek. All homes in view from my house and deck currently have decks or porches on the front of their homes overlooking the water.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

(Type or Print Name)

Signature

RICHARD C SCHMIDT
(Type or Print Name)

[Signature]
Signature

2106 HOLLY NECK RD 965-1348
Address Phone No.

ESSEX, MD 21221 682-3815
City State Zipcode
Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County



REVIEWED BY: [Signature] DATE: 2-17-95
ESTIMATED POSTING DATE: 2-26-95



Printed with Soybean Ink on Recycled Paper

ITEM #: 287

MICROFILM

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2106 HOLLY NECK RD
address
ESSEX, MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY. I have replaced a deteriorated frame deck on the front and side of my residence with a larger frame deck on the front and side of my residence. The house, built in the 1940's is 30' from the closest property line. The deck, built in 1991, is 16' from the closest property line and the shoreline of Sue Creek. All homes in view from my house and deck currently have decks or porches on the front of their homes overlooking the water.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature) 
(signature)
(type or print name) RICHARD C SCHMIDT
(type or print name)



STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of Feb, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

RICHARD C. Schmidt

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Feb 16 - 1995
date


NOTARY PUBLIC

My Commission Expires:
March 1 - 1998



95-289-A BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING # 287
PHOTOGRAPHIC MAP

SCALE	1" = 200' ±
DATE OF PHOTOGRAPHY	1988
LOCATION	MICROFILMED HOLLY NECK

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 26401

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE N/S Holly Neck Road, 630 ft. +/- from c/j Goff Road 2106 Holly Neck Road 15th Election District Richard C. Schmidt Petitioner

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 95-289-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Richard C. Schmidt for that property known as 2106 Holly Neck Road in the Essex area of Baltimore County. The Petitioner herein seeks a variance from Sections 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 16 ft. for an open projection (deck), in lieu of the required 37.5 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioner.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of March, 1995 that the Petition for a Zoning Variance from Section 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 16 ft. for an open projection (deck), in lieu of the required 37.5 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comment dated March 9, 1995, attached hereto and made a part thereof.
3. The Petitioner shall comply with the comment submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Developers

Engineering Section, dated March 3, 1995 which are adopted in their entirety and made a part of this Order.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

COPIES FOR FILING
By *Sh. Frank*

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21284

(410) 887-4386

March 16, 1995

Mr. Richard C. Schmidt
2106 Holly Neck Road
Essex, Maryland 21221

RE: Petition for Administrative Variance
Case No. 95-289-A
Property: 2106 Holly Neck Road

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

Printed with Soybean Ink
on Recycled Paper

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 2106 HOLLY NECK RD ESSEX, MD 21221
which is presently zoned RC5

CRITICAL AREA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1A04.3.B.3 and 301.1A

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Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

With do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Name: RICHARD C. SCHMIDT
Signature: *Richard C. Schmidt*
Address: 2106 HOLLY NECK RD
ESSEX, MD 21221
City: ESSEX State: MD Zipcode: 21221

Contract Purchaser/Lessee:
Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

Attorney for Petitioner:
Name: _____
Address: _____
City: _____ State: _____ Zipcode: _____

A Public Hearing has been requested and/or held to be required. It is ordered by the Zoning Commissioner of Baltimore County, this 17th day of March, 1995, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *JL* DATE: 2-17-95 ESTIMATED POSTING DATE: 2-24-95 Printed with Soybean Ink on Recycled Paper ITEM #: 257

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 2106 HOLLY NECK RD
ESSEX, MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY. I have replaced a deteriorated frame deck on the front and side of my residence with a larger frame deck on the front and side of my residence. The house, built in the 1940's is 30' from the closest property line. The deck, built in 1991, is 16' from the closest property line and the shoreline of Sue Creek. All homes in view from my house and deck currently have decks or porches on the front of their homes overlooking the water.

The Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature: *Richard C. Schmidt*
Name: RICHARD C. SCHMIDT
Address: _____
City: _____ State: _____ Zipcode: _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 16th day of Feb, 1995, before me, a Notary Public of the State of Maryland, to and for the County aforesaid, personally appeared RICHARD C. SCHMIDT

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
Subscribed and sworn to before me on this 16th day of Feb, 1995

My Commission Expires: March 1 - 1998

Mervin Ornstein
NOTARY PUBLIC

95-289-A

ZONING DESCRIPTION FOR 2106 Holly Neck Road, Essex, MD 21221
Election District 15 Councilmanic District 5

As recorded in Deed Liber 8948, Folio 516

Beginning at a point and running S 78 -03' W 155.00 ft, then S 14 -19' W 199.00 ft, then S 78 -03' W 25.00 ft, then N 14 -19' W 199.00 ft, then N 15 -29' W 228.20 ft, then S 80 -27' E 113.80 ft, then S 75 -15' E 38.70 ft, then N 64 -30' E 47.50 ft, then S 14 -19' E 180.00 ft to the place of beginning.

#287

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-289-A

District: 15th Date of Posting: 2/24/95
Posted for: Richard C. Schmidt
Petitioner: Richard C. Schmidt
Location of property: 2106 Holly Neck Rd., N/S
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by: *Michelle* Date of return: 3/15/95
Number of Signs: 1



Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21286

receipt
95-289-A

Date: 2-17-95
SCHMIDT -- 2106 HOLLY NECK RD. Taken by: JRF

OIO .. Variance ... \$50.00
O&U .. Sign ... \$35.00
\$85.00

CRITICAL AREA

Printed with Soybean Ink on Recycled Paper

\$85.00



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

Arnold Jablon
ARNOLD JABLON, Director

For newspaper advertising:

Item No.: 287
 Petitioner: RICHARD C. SCHMIDT
 Location: 2106 HOLLY NECK RD ESSEX MD 21221
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: RICHARD C. SCHMIDT
 ADDRESS: 2106 HOLLY NECK RD ESSEX, MD 21221
 PHONE NUMBER: 682-3815

AJ:qgs (Revised 04/09/93)



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 23, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-289-A (Item 287)
 2106 Holly Neck Road
 N/2 Holly Neck Road, 630' +/- from c/l Golf Road
 15th Election District - 5th Councilmanic
 Legal Owner(s): Richard C. Schmidt

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 26, 1995. The closing date (March 13, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Arnold Jablon
Director

cc: Richard C. Schmidt

Printed with Duplex Ink on Recycled Paper



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 8, 1995

Mr. Richard Schmidt
2106 Holly Neck Road
Essex, Maryland 21221

RE: Item No.: 287
 Case No.: 95-289-A
 Petitioner: Richard Schmidt

Dear Mr. Schmidt:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Duplex Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 3, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 6, 1995
Item No. 287

The Developers Engineering Section has reviewed the subject zoning item. Show the limits of the 100-year flood area on your plat. See the Flood Insurance Rate Map, Panel Number 445 for the limits.

Per Section 26-276 of the Development Regulations, no construction in or alteration of any flood plain may be permitted.

RWB:ew

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-6-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. * 287 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2269 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21208-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 27, 1995
Zoning Administration and
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 280, 281, 287, and 288

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3400.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol Kenna*

PK/JL

Printed with Duplex Ink on Recycled Paper



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/27/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STCP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 27, 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 284, 286, 287 AND 289.

RECEIVED
MAR 1 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1105F

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: March 9, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, DEPRM
Development Coordinator, DEPRM

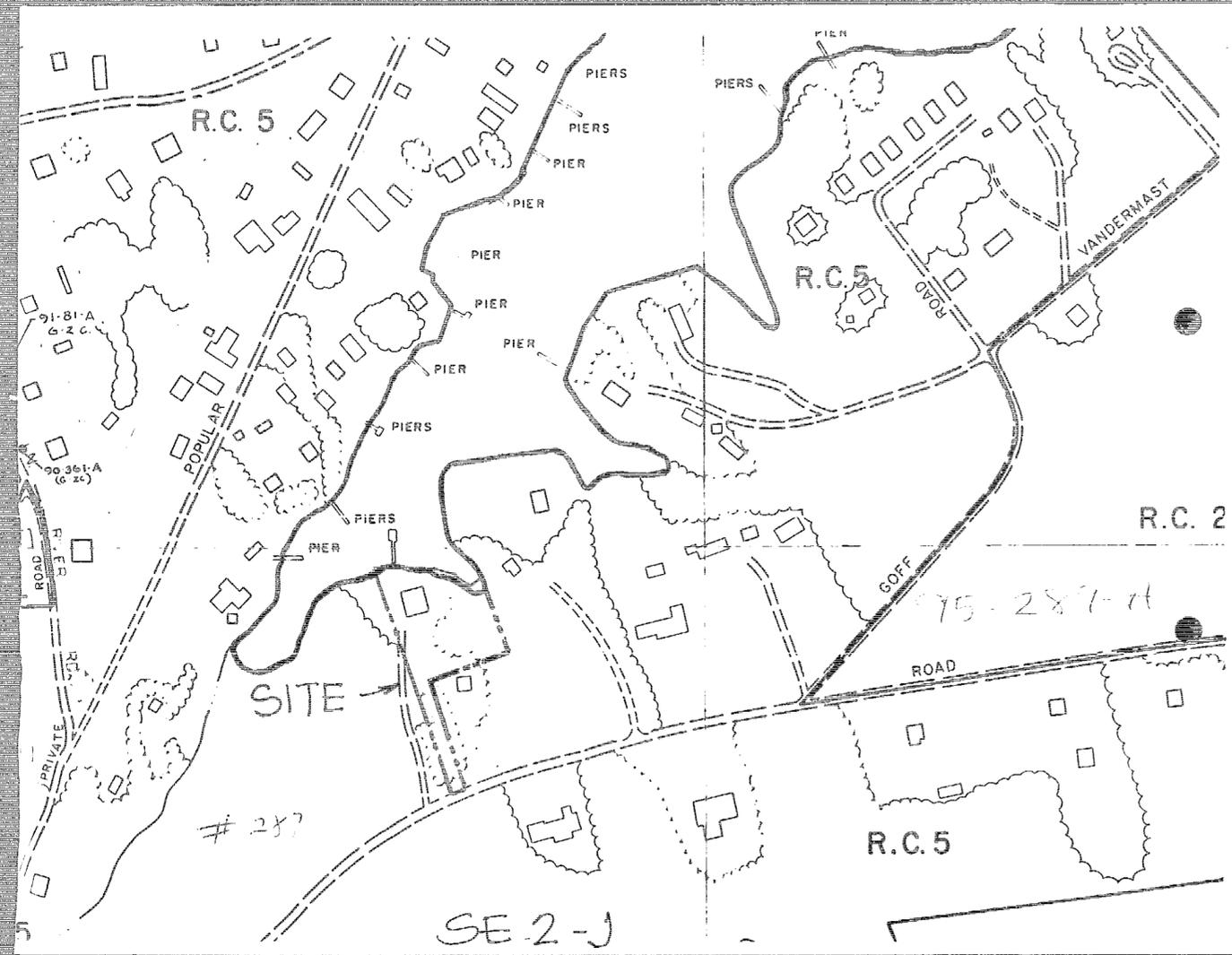
SUBJECT: Zoning Item #287 - Schmidt Property
2106 Holly Neck Road
Zoning Advisory Committee Meeting of February 27, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The deck in question is the subject of a Chesapeake Bay Critical Area administrative variance (CAAV) request currently under consideration by this Department. Therefore, this Department cannot recommend approval of the subject zoning petition unless and until the CAAV is granted. If the Zoning Commissioner decides to grant this zoning setback variance, this Department requests that the zoning order be conditioned to require conformance with all DEPRM requirements.

JLP:GS:sp

SCHMIDT/DEPRM/TXTS8P



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 2106 HOLLY NECK ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: N/A

plat book# , folio# , lot# , section#

OWNER: RICHARD C. SCHMIDT MARK W & DORIS A. DICKERSON

1516151710
8940/516

MARK W & DORIS A. DICKERSON
1508201620
7505/750

95-289-A

Scale of Drawing: 1" = 50'

North
date: 12 FEB 05
prepared by: R.C. SCHMIDT

LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1"-200' scale map#: SE 2-J

Zoning: RC 5

Lot size: 1 (-) 10,000 ±
acraage square feet

SEWER: POSITIVE DELETED

WATER: POSITIVE DELETED

Chesapeake Bay Critical Area: YES NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

PETITIONER(S) EXHIBIT ()

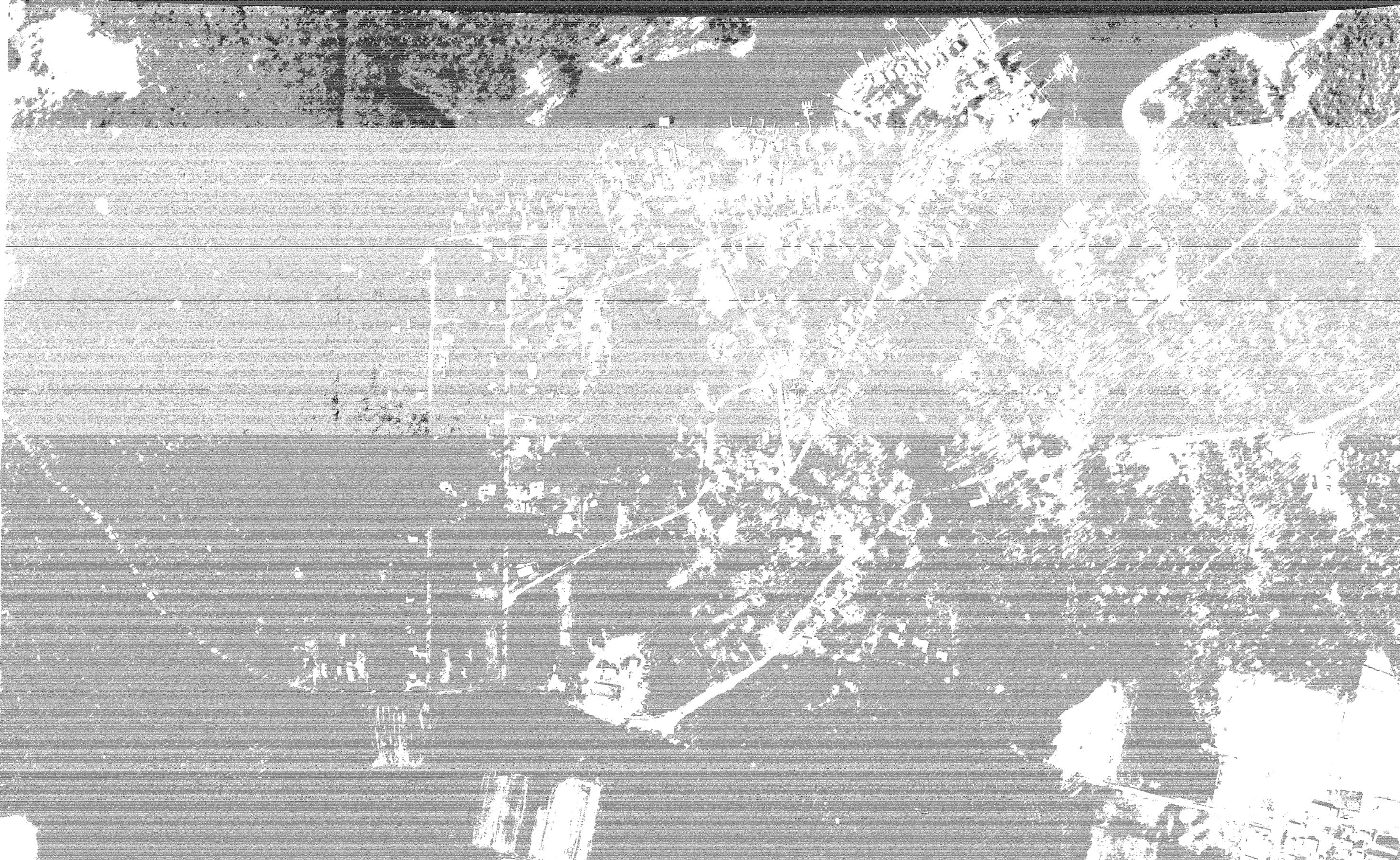
287-A

1 NORTH SIDE (FRONT) OF HOUSE SHOWING DECK AS VIEWED FROM MY PIER

LOOKING NORTH FROM MY PIER ACROSS SUE CREEK

FIRST FLOOR ENTRANCE PERCH SOUTH SIDE

287



95-289-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

287

SCALE	LOCATION	SHEET
1" = 200' ±	HOLLY NECK	SE. 2J
DATE OF PHOTOGRAPHY JANUARY 1986		